

18.01.2023.
18.
as
(Allowed)

C.R.M. (DB) 166 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P. S. Case No.525 of 2015 dated 23.08.2015 under Sections 302/120B/34 of the Indian Penal Code read with Sections 25(i)(a)/27 of the Arms Act.

In the matter of : Safikul @ Safi.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Priyam Biswas.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Asif Dewan.

...for the State.

Petitioner is in custody for more than 100 days. He submits co-accuseds are on bail.

Learned Advocate for the State opposes the prayer for bail. She submits he had absconded for three years.

We have considered the materials on record. Initially, petitioner was not implicated as an accused. One of us (Joymalya Bagchi, J.) in CRR 4296 of 2015 directed further investigation which resulted in filing supplementary charge sheet implicating the petitioner. Co-accuseds are on bail. There is little possibility of the trial commencing far less concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

Accordingly, the petitioner viz., Safikul @ Safi shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioner while on bail shall remain within the jurisdiction of Harishchandrapur Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Harishchandrapur Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)